IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14416 of 2005
With
SPECIAL CIVIL APPLICATION No. 14418 of 2005
To
SPECIAL CIVIL APPLICATION No. 14419 of 2005

For Approval and Signature:

HON'BLE MR JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAGATSINH RANJITSINH RAOL & 2 - Petitioner(s)

Versus

STATE OF GUAJRAT THR' SECRETARY & 2 - Respondent(s)

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Appearance :
MR RJ GOSWAMI for Petitioner No(s).: 1,2,3.
MR MR MENGDEY, AGP for RespondentS
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CORAM : HON'BLE MR JUSTICE AKIL KURESHI
Date : 18/07/2005

ORAL JUDGMENT

Rule. Learned AGP Mr.MR Mengdey waives service of notice of rule on behalf of the respondents.

2. In this group of petitions, the petitioners have challenged the non-acceptance of their offer pursuant to the public auction held by the respondents. The petitioners had in response to a notice of public auction for sale of land bearing plot No.721/1 in sector 2 of Gandhinagar had participated in the said public auction held on 4.11.2003. The offer made by the petitioners of Rs.5648 per sq. meter was the highest offer and also higher than the upset price of Rs.3340 fixed by the authorities for the plot in question. The Collector, Gandhinagar, however, by his order dated 9.4.2004 held that the plot in question did not receive adequate offer and therefore did not accept the offer of the petitioners and cancelled the auction qua the said plot. The petitioners filed a revision application before the Government. Their revision application was rejected by the order dated 9.5.2005. It is the case of the petitioners that the Collector as well as the Government were pleased to rely upon a report of the Valuation Committee dated 19.3.2004 to come to the conclusion that the price offered for the plot in question was not adequate. The learned advocate for the petitioners contended that no such report was made available to the petitioners and had it been made available, the petitioners would have been in a position to convince the

authorities with proper material that the price offered by them was just and proper considering the prevailing price in the surrounding areas.

3. It is not in dispute that the valuation report which forms the basis for holding that the price offered by the petitioners was not adequate was never supplied to the petitioners. In order to enable the petitioners to convince the authorities about the adequacy of the price, by quashing and setting aside the impugned orders dated 9.4.2004 passed by the Collector, Gandhinagar and the order dated 9.5.2005 passed by the Joint Secretary (Appeals), Revenue Department, Government of Gujarat, the proceedings are remanded to the Collector, Gandhinagar for fresh consideration after supplying a copy of the report of the Valuation Committee and permitting the petitioners a period of fifteen days thereafter to make their representation and produce material at their disposal in support of their contentions. The authority shall take a fresh decision as expeditiously as possible and preferably within a period of two months from the date of receipt of a copy of this order. Until such time the fresh decision is taken, the plot in question shall not be offered for re-auction. With these directions,the petitions are disposed of. Rule is made absolute to the

above extent with no order as to costs.

Direct service.

(Akil Kureshi, J.)

(vjn)